

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**EL SHAFIYQ ASAD ALI**

**Plaintiff,**

**v.**

**REP. JOANNA MCCLINTON**

**Individually and in her official capacity as  
Pennsylvania State Representative, and  
PENNSYLVANIA HOUSE OF  
REPRESENTATIVES**

**Defendants.**

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**CIVIL ACTION  
No. 16-6373**

**FILED**

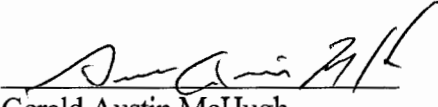
**JUN 14 2017**

KATE BARKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk

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**ORDER**

This 14<sup>th</sup> day of June, 2017, upon consideration of Plaintiff's Complaint, Defendants' Motions to Dismiss (Dkt. 6), and the Responses and Replies thereto, it is hereby **ORDERED** that Defendants' Motion is **GRANTED** in part and **DENIED** in part. Plaintiff's claims against Defendant McClinton in her official capacity and against Defendant Pennsylvania House of Representatives are barred by Eleventh Amendment immunity and **DISMISSED** with prejudice. With respect to Plaintiff's suit against McClinton in her personal capacity, his whistleblower claim based on a report of wrongdoing and his § 1983 claims based on ethnic and religious discrimination are **DISMISSED** with leave to amend pursuant to Rule 12(b)(6); Defendants' Motion to Dismiss is **DENIED** with respect to Plaintiff's First Amendment claim and his whistleblower claim based on a report of waste.

  
Gerald Austin McHugh  
United States District Judge